

117TH CONGRESS  
1ST SESSION

# H. R. 3201

To provide funds to State transportation departments for surface transportation projects.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. LAMB (for himself, Mr. GIBBS, and Mr. CARBAJAL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide funds to State transportation departments for surface transportation projects.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Providing Assistance

5       for Vital Enhancements Act” or the “PAVE Act”.

1   **SEC. 2. ASSISTANCE TO STATE TRANSPORTATION DEPART-**  
2                         **MENTS.**

3                 (a) FORMULA GRANT PROGRAM.—Funds made avail-  
4         able under this section shall be—

5                         (1) available for obligation in the same manner  
6         as if such funds were apportioned under chapter 1  
7         of title 23, United States Code;

8                         (2) apportioned not later than 30 days after the  
9         date of enactment of this Act; and

10                         (3) distributed to States in the same ratio as  
11         the obligation limitation for fiscal year 2020 was  
12         distributed among the States in accordance with the  
13         formula specified in subparagraphs (A) and (B) of  
14         section 120(a)(5) of division H of Public Law 116-  
15         94.

16                 (b) ELIGIBLE USES OF FUNDS.—

17                         (1) IN GENERAL.—A State may use the funds  
18         provided under subsection (f) for—

19                                 (A) activities eligible under section 133 (b)  
20         of title 23, United States Code; and

21                                 (B) administrative and operating expenses,  
22         including the salaries of employees (including  
23         employees who have been placed on administra-  
24         tive leave) or contractors, information tech-  
25         nology, and availability payments.

1                             (2) SPECIAL RULE.—The expenses under para-  
2                             graph (1)(B) are not required to be included in a  
3                             transportation improvement plan or statewide trans-  
4                             portation improvement plan under sections 134 and  
5                             135, of title 23 United States Code.

6                             (c) FEDERAL SHARE.—

7                             (1) IN GENERAL.—Notwithstanding section 120  
8                             of title 23, United States Code, the Federal share  
9                             for funds apportioned for fiscal year 2021 under this  
10                            Act, at the option of the recipient, shall be up to  
11                            100 percent.

12                            (2) NON-FEDERAL SHARE.—Funds provided  
13                             under this section shall be available for any non-  
14                             Federal share of project costs required under title  
15                             23, United States Code, and for the non-Federal  
16                             share of grants awarded by the Department of  
17                             Transportation for Better Utilizing Investments  
18                             Leveraging Development (BUILD) grants.

19                            (d) PREVAILING RATE OF WAGE.—Notwithstanding  
20                             any other provision of law, the Secretary of Transpor-  
21                             tation shall require projects funded under this section to  
22                             comply with of section 113(a) of title 23, United States  
23                             Code, with respect to all construction work, in the same  
24                             manner that a recipient of assistance under chapter 1 of  
25                             such title is required to comply with such subsection for

1 construction work performed on Federal-aid highway  
2 projects.

3 (e) DEFINITIONS.—For purposes of this Act—

4 (1) the term “Secretary” means the Secretary  
5 of Transportation; and

6 (2) the term “State” has the same meaning  
7 given such term in section 101(a)(26) of title 23,  
8 United States Code.

9 (f) FUNDING.—

10 (1) IN GENERAL.—Out of any funds in the  
11 General Fund of the Treasury not otherwise appro-  
12 priated, there are appropriated to provide emergency  
13 assistance to States under this section,  
14 \$18,000,000,000 for fiscal year 2021, to remain  
15 available through fiscal year 2024.

16 (2) EMERGENCY DESIGNATION.—

17 (A) IN GENERAL.—The amounts provided  
18 by this section are designated as an emergency  
19 requirement pursuant to section 4(g) of the  
20 Statutory Pay-As-You-Go Act of 2010 (2  
21 U.S.C. 933(g)).

22 (B) EMERGENCY REQUIREMENT.—The  
23 amount made available by this subsection is  
24 designated by the Congress as being for an  
25 emergency requirement pursuant to section

1           251(b)(2)(A)(i) of the Balanced Budget and  
2           Emergency Deficit Control Act of 1985 and  
3           shall be available only if the President subse-  
4           quently so designates all such amounts and  
5           transmits such designations to the Congress.

6           (C) DESIGNATION IN SENATE.—In the  
7           Senate, this section is designated as an emer-  
8           gency requirement pursuant to section 4112(a)  
9           of H. Con. Res. 71 (115th Congress), the con-  
10          current resolution on the budget for fiscal year  
11          2018.

